

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

SAM B. VACANTI,

Defendant.

8:05CR134

ORDER

This matter is before the Court on defendant Sam B. Vacanti’s (“Vacanti”) Motion for Compassionate Release (Filing No. 75) pursuant to 18 U.S.C. § 3582(c)(1)(A). That statute authorizes Vacanti to move the Court to “reduce [his] term of imprisonment” for “extraordinary and compelling reasons” thirty days after asking the warden of the facility where he is incarcerated to file such a motion on his behalf. *See also United States v. Raia*, 954 F.3d 594, 595 (3d Cir. 2020). Vacanti submitted a request for compassionate release to the warden at FMC Rochester on April 20, 2020. Vacanti’s counsel represents that on April 20, 2020, the warden approved Vacanti’s request; however, the Office of General Counsel and a Deputy Attorney General have yet to act on this approval. More than thirty days have passed without a final decision.

Upon initial review of Vacanti’s motion and supporting materials, the Court finds he has potentially raised a colorable claim for a sentence reduction under § 3582(c)(1)(A)(i). Accordingly,

IT IS ORDERED:

1. The U.S. Probation and Pretrial Services Office is directed to investigate Vacanti’s request for sentencing relief and promptly file under seal a report summarizing the results of that investigation.
2. If necessary, the probation office is authorized to disclose Presentence Investigation Reports to the Federal Public Defender and the United States

Attorney for the purpose of evaluating the motion. The Federal Public Defender shall provide the Presentence Investigation Report to any subsequently appointed or retained counsel. In accordance with the policy of the Federal Bureau of Prisons, no Presentence Investigation Report shall be provided to inmates.

3. The government and Vacanti's counsel shall each file within ten days of the probation office filing its investigation report a brief addressing Vacanti's request for sentencing relief and provide any evidence necessary to the Court's disposition of his motion. Absent an extension or other request from the parties, the motion shall be deemed fully briefed and submitted as of that date.

Dated this 12th day of November 2020.

BY THE COURT:



Robert F. Rossiter, Jr.
United States District Judge